

"No person who advocates the overthrow of the government of the United States or of the State through force or violence shall be eligible to hold any elective or appointive office or any other position of the State or of any county, municipal corporation, or political subdivision of the State. The General Assembly shall provide by law for the enforcement of this section."

THE CHAIRMAN: The amendment having been offered by Delegate Vecera and seconded by Delegate Ritter, the Chair recognizes Delegate Vecera.

DELEGATE VECERA: Mr. Chairman, fellow delegates:

I think this is a most important and serious matter. I hope the lateness of the hour will not affect the outcome and the hope of this in debate.

I think the amendment is perhaps self-explanatory. It is already contained in the Constitution, Article XV, section 11. The language has been changed somewhat, but nevertheless the intent still remains.

Together with my co-sponsor, I feel that language similar to this ought to be retained in the constitution, and that the last sentence provided in the amendment would grant to the legislature the opportunity to allot some type of constitutional language, or some language which would carry the intent and which would be constitutional.

And we feel, rather than belabor the point, before we hear any questions on the matter, I would rather defer to Delegate Ritter to see if he has anything further to say in the matter, Mr. Chairman. He is my co-sponsor.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Committee, I am frank to say that I will have to oppose this amendment. It may appear all right on its face, but I believe it runs into areas that the federal government pre-empted.

I believe it may be unconstitutional.

Certainly it is very vague, and I am not at all sure how enforceable it is. I believe it is a matter that is better left to legislative action and is not a part of this constitution.

I just do not believe this is the kind of thing that we want in here, even though in principle I would have to agree with you as to its general concepts. But I do not believe it is definite enough, and I believe it covers areas where we might run into un-

constitutional effects as far as the Federal government is concerned.

I hope you will reject this because of the difficulties involved.

THE CHAIRMAN: Delegate Ritter.

DELEGATE RITTER: Mr. Chairman, I am not going to belabor the subject tonight. It is very plain. As Delegate Scanlan said before when we were deleting section 4, probably at that time the federal troops were in the court house. This is not trying to keep the federal troops out, but rather those who do not believe in our form of government out of office.

Vote on whether you care to put this in or reject it. I say it is there before you. Make up your own minds.

We do not, I do not, nor my delegate friend who helped sponsor this does not believe that those who advocate the overthrow of our government or the federal government should hold an office.

DELEGATE FOX: Mr. Chairman.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: Mr. Chairman, I would like to ask a question of the sponsor of the amendment.

THE CHAIRMAN: Delegate Ritter, do you yield to a question?

DELEGATE RITTER: Yes.

DELEGATE FOX: How do you envision that the General Assembly should provide by law? Do you mean that they should prescribe an oath?

DELEGATE RITTER: No. I think it would be unconstitutional. I think they could set up other qualifications.

In other words, then, if the people by their own actions advocate the overthrow of the state government or the federal government, I do not think you need an oath. I do not think an oath would mean anything to those people.

I think if they advocate by force or violence the overthrow of the federal government, I do not think you need an oath.

DELEGATE FOX: I do not think an oath would mean anything to those people, either; but how is the General Assembly going to provide by law? Is the General Assembly going to determine whether or not a person advocates the overthrow of the government?

THE CHAIRMAN: Delegate Ritter.